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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,092	09/12/2000	Farooq Ullah Khan	3-53	7324

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EXAMINER

KADING, JOSHUA A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,092

Applicant(s)

KHAN ET AL

Examiner

Joshua Kading

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

5 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10 Claim 7, lines 4-6 state, "combining received CONTINUE information with previously received and decoded information; and performing a decoding operation on the combined information." It is unclear how a decoding operation can be performed on information that has already been decoded; i.e. how can the decoded received information be combined with the CONTINUE information and be decoded again? And if
15 the CONTINUE information is not decoded, then how can it be combined with already decoded information?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

20 obviousness rejections set forth in this Office action:

25 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisler et al. in view of MacDonald et al. (U.S. Patent 5,537,416).

In regard to claim 1, Crisler et al. disclose "a method for receiving information in a communication system that user ARQ with IR, the method comprises the step of:

deciding which of a plurality of confirmation messages to transmit based on... a
5 decoding operation performed on the received information...(col. 4, lines 23-46 where the error detection is a decoding operation performed on the received information and then the appropriate confirmation message is sent based on the decoding results)."

However, Crisler et al. lack "deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the
10 received information..." MacDonald et al. however, disclose "deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in the received information...(col. 2, lines 26-33 where the information block is the same as the received information message and the Repeat Flag is the status flag used to aid in deciding which confirmation message to send)"

15 It would have been obvious to one with ordinary skill in the art at the time of invention to include the status flag with the decoding for the purpose of knowing if the message is repeated or new. The motivation being correct sequencing of the message for further transmitting or processing.

20 In regard to claim 2, Crisler et al. and MacDonald et al. disclose the method of claim 1. However, MacDonald et al. lack "the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for NEW information." Crisler et al.

however, further disclose "the step of deciding which of the plurality of confirmation messages to transmit comprises waiting for NEW information (col. 4, lines 23-28 where waiting for all messages to be received before deciding which confirmation message to transmit is waiting for NEW information as none of the messages have been received
5 previously or are retransmits)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the waiting for NEW information with the method of claim 1 for the same reasons and motivation as in claim 1.

In regard to claim 3, Crisler et al. and MacDonald et al. disclose the method of
10 claim 1. However, MacDonald et al. lack "waiting for NEW information after a positive confirmation message was transmitted." Crisler et al. however, further disclose "waiting for NEW information after a positive confirmation message was transmitted (figure 6 where after the positive confirmation message is sent (601) the message is unbuffered and the receiver awaits a NEW information to begin the process again)." It would have
15 been obvious to one with ordinary skill in the art at the time of invention to include the waiting for NEW information with the method of claim 1 for the same reasons and motivation as in claim 1.

In regard to claim 4, Crisler et al. and MacDonald et al. disclose the method of
20 claim 1. However, MacDonald et al. lack "transmitting a positive confirmation message after receiving NEW information while waiting for either NEW or CONTINUE

information, decoding said received NEW information successfully and discarding any previously received information.”

5 Crisler et al. however, further disclose “transmitting a positive confirmation message after receiving NEW information while waiting for either NEW or CONTINUE information (figure 6 where after the positive confirmation message is sent (601) the message is unbuffered and the receiver awaits a NEW information to begin the process again), decoding said received NEW information successfully and discarding any previously received information (col. 5, lines 36-40 where the transmission acknowledgement is the positive confirmation message and the unbuffering can be
10 considered discarding previously received information).”

It would have been obvious to one with ordinary skill in the art at the time of invention to include the transmitting positive confirmation after receiving NEW information with the method of claim 1 for the same reasons and motivation as in claim 1.

15

In regard to claim 5, Crisler et al. and MacDonald et al. disclose the method of claim 1. However, MacDonald et al. lack “transmitting a positive confirmation message if the received information is NEW information and the decoding operation was successful.” Crisler et al. however, further disclose “transmitting a positive confirmation
20 message if the received information is NEW information and the decoding operation was successful (col. 4, lines 23-46 where the error detection is a decoding operation performed on the received information and the information being received is taken to be

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NEW information since it is not being sent in response to a negative acknowledgement; and a message-received communication or positive acknowledgement is sent if the decoding is successful, that is there were no errors)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the transmitting a positive confirmation message if the received information is NEW and decoding is successful with the method of claim 1 for the same reasons and motivation as in claim 1.

In regard to claim 6, Crisler et al. and MacDonald et al. disclose the method of claim 1. However, MacDonald et al. lack "transmitting a negative confirmation message if the received information is NEW information and the decoding operation was unsuccessful." Crisler et al. however, further disclose "transmitting a negative confirmation message if the received information is NEW information and the decoding operation was unsuccessful (col. 4, lines 23-46 where the error detection is a decoding operation performed on the received information and the information being received is taken to be NEW information since it is not being sent in response to a negative acknowledgement; and a message-partially-received or negative acknowledgement is sent if the decoding is unsuccessful, that is there were errors)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the transmitting a negative confirmation message if the received information is NEW and decoding is unsuccessful with the method of claim 1 for the same reasons and motivation as in claim 1.

Response to Arguments

The objection to the disclosure is withdrawn.

The objections to claims 1-4 are withdrawn.

5

Applicant's arguments filed 20 February 2004 have been fully considered but they are not persuasive.

Regarding claim 7, applicant argues that "it is well-known in the art to combine
10 newly received information blocks with stored information blocks prior to decoding the
combined information blocks." Although applicant is correct in pointing to the
background information to support the argument, examiner was not necessarily arguing
that point. What is in question and not clear is the step of decoding the combined
information. On page 8 of the specification, lines 12-20, applicant discloses the steps of
15 claim 7. Applicant clearly states the stored information is decoded unsuccessfully, i.e. it
is not decoded at all. This unsuccessful decoding prompts the CONTINUE information
to be transmitted, combined with the non-decoded stored information, and then the
entire block (stored and CONTINUE) is decoded. However, claim 7 does not say this.
Claim 7 states "combining received CONTINUE information with previously received
20 and decoded information". This is contradictory to the specification in that it states the
stored information is decoded and therefore renders claim 7 vague and indefinite.

Regarding claims 1-6, applicant argues that "MacDonald fails to teach or suggest deciding which of a plurality of confirmation messages to transmit based on an information status flag indication contained in a received information message."

Examiner agrees that MacDonald does not teach or suggest the above deficiency.

- 5 However, examiner was not suggesting that MacDonald teach the entire deficiency. As per the rejection of claim 1, Crisler teaches "deciding which of a plurality of confirmation messages to transmit" but lacks the flag. MacDonald however, does teach the use of a flag to distinguish between the types of messages, and thus a determination could be made on what type of acknowledgement (message type) to send as discussed in
- 10 Crisler.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

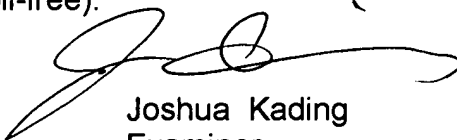
- 15 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any
- 20 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for
10 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15



Joshua Kading
Examiner
Art Unit 2661

April 19, 2004



KENNETH VANDERPUYE
PRIMARY EXAMINER